

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRI L. SENA,

Plaintiff

Case No. 2:20-cv-01804-RFB-NJK

ORDER

v.

JAMES DZURENDA, *et al.*,

Defendants

I. DISCUSSION

On September 28, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted an inmate account statement for the previous six-month period. Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of

1 the required documents. Plaintiff will file a fully complete application to proceed *in forma*
 2 *pauperis* on or before **November 30, 2020**. Absent unusual circumstances, the Court will not
 3 grant any further extensions of time. If Plaintiff does not file a fully complete application to
 4 proceed *in forma pauperis* with all three required documents on or before **November 30, 2020**,
 5 the Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court
 6 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
 7 application to proceed *in forma pauperis* or pays the full \$400 filing fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 9 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 10 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
 11 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before
 12 **November 30, 2020** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
 14 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
 15 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*
 18 *pauperis*, Docket No. 1, is denied without prejudice to file a new fully complete application to
 19 proceed *in forma pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
 21 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 22 information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that, on or before **November 30, 2020**, Plaintiff will either
 24 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 25 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 27 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 28 3),


- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
2 (i.e. page 4 of this Court's approved form), and
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
6 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
7 on or before **November 30, 2020**, the Court will dismiss this action without prejudice for Plaintiff
8 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
9 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$400 filing
10 fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
12 No.1-1, but will not file it at this time.

13 IT IS SO ORDERED.

14 DATED: September 30, 2020.

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17 NANCY J. KOPPE
18 UNITED STATES MAGISTRATE JUDGE
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